

EXHIBIT

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DATE

1/24/2011

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M O N T E J E W E L L P C

A T T O R N E Y A T L A W

P.O. Box 7083
Missoula, Montana 59807-7083
mjewell@openmissoula.org
v. 406 546 1414

January 20, 2011

Rep. Betsy Hands
Montana House of Representatives
Montana State Capitol
Helena, MT 59620

Dear Representative Hands:

This is to provide written testimony in support of HB281.

The training mandated by HB281 for Guardians *ad litem* is a good idea. In my capacity as a family law attorney practicing in Missoula, I am sometimes appointed by the Court or asked by private parties to serve as a Guardian *ad litem*. Like other lawyers asked to help parents and the Court with difficult problems involving children, I have seen the value of seeking out training about child development, partner violence and related issues important to the job. The additional training is not a substitute for advanced training on those issues but can be helpful for identifying when more qualified experts may be needed to help a child or parent.

In the Fourth Judicial District where I practice, Judge Ed McLean and Standing Master Susan Leaphart have scheduled numerous trainings, including training helpful to Guardians *ad litem*. My sense is that these trainings have been popular and well attended. I often hear other attorneys who serve as Guardians *ad litem* praise the trainings and express their belief that the trainings are worthwhile. It seems to me that HB281 sends a clear signal that persons serving as Guardians *ad litem* should prioritize attendance at trainings like those organized in Missoula by Judge McLean and Standing Master Susan Leaphart.

A minor criticism of the bill I have for your consideration is that complaints against Guardians *ad litem* are frequent. Some of the complaints have merit but many do not. It may be worth considering whether the bill should be amended to provide for summary dismissal of complaints which are not supported by any substantive evidence.

Thank you for your service. Please let me know if I may provide further information.

Sincerely,

MONTE JEWELL, PC

By: /s/
Monte Jewell

MJ

Mr. Chairman and Members of the Committee,

In 2005, my wife met another man and asked for a divorce. The next three years became the most horrific time in my life. My ex-wife and I initially agreed to share bi-weekly custody of our sons. Six months later, she decided to pursue full custody and hired an attorney, which sparked a three- year custody battle.

At a hearing two years into the process, the judge asked us both to submit any issues with our parenting plan. I had none, but my ex-wife had three, two of which were diffused. Instead of resolving the final issue, the Judge appointed a Guardian ad Litem (GAL) to our case.

The appointment of the GAL is where the saga really began. The first meeting with the GAL was brief. The woman whose job was to represent the "interests" of the children met with my sons for less than an hour during the whole case. I became suspicious of the GAL's motives after reading her report, because it seemed like one issue identified in the courtroom-setting somehow became ten issues. I felt pressure to cooperate for fear of losing custody of my sons. Over the next few months I received \$300-500 invoices, which I paid in full. But I realized something was wrong when I saw that the GAL had charged me for 30 emails at \$30 each, when I had never received any of those emails.

After months of stagnation on the case, I sent out a letter asking for an itemized account of the GAL's charges. She did not reply. The next month I received a new bill for \$500. I replied with a letter questioning her qualifications. A week later the judge took my children away at the recommendation of the GAL. Instead of addressing my concerns, the GAL sent me a copy of an email she had mailed to my sons' school and to the police. It stated that I was capable of "killing" and she feared for the safety of my children. Despite this allegation, she gave me unsupervised visitation every other weekend.

The impact of the GAL has been emotional, psychological and financial. Custody of my boys was changed from every other week to every other weekend. I spent \$30-40,000 over one 5 month period in payments to the GAL, and I was forced to take out loans. I feared I would lose my children forever if I did not pay. In her final report to the court the GAL cited speaking with 40 sources connected with the family. All of them were "sources" of my ex-wife; none were from me.

I feel I have been wronged in many ways by the GAL who was appointed to my case and by the system that allows people to get away with such injustice. It is time for GAL Reform so Montana parents and children can start to get their lives back.

Respectfully,

Hank Gurzynski

406-880-7690

Testimony Before the Judiciary Committee

January 24, 2011

Mr. Chairman, Members of the Committee my name is René, I urge you to take a long hard look at the Guardian Ad Litem (GAL) System in Montana. A great first step would be to pass HB 281.

My involvement with your system came about after my brother's parenting plan and divorce were final. The GAL assigned to my brother's case seemed to disappear once the parenting plan was official. Initially, this was a godsend because of all the problems he and the children had with her during the divorce and custody proceedings. However, when the family began to have serious problems, they had nowhere to turn. Neither my brother nor his teenage daughter trusted the GAL to be impartial; therefore, they would not call her. My niece told me of a serious incident concerning her safety which she told to the GAL. The GAL's response to her was that "no one would believe her anyway". It is of the utmost importance that GALs be well trained from the get go.

My brother turned to me for help. I found out that although there was a parenting plan in place, his only recourse if no one followed the plan, was to call the GAL assigned by the court. There was no complaint procedure or a means to have her removed from the case. Because no one was checking the parenting plan and the GAL did not follow-up, the parenting plan was of no use to those it was meant to protect. As a result, the children struggled in school and got into various kinds of trouble. Had there been some sort of grievance process whereby this family could have complained at the first sign of trouble these children might have had some independent and unbiased help.

Please pass HB 281 our children are our most valuable resource.

Respectfully,

René

605-484-1482

Mr. Chairman and Members of the Committee, my name is Pam Kamera.

For the entirety of my son's life I have fought for his safety, innocence, and opportunity for a normal childhood through the courts in three different states. It wasn't until I moved back home to Montana, that I lost my fight.

I am a professional woman who, due to my job has moved to three different states. Each time I moved, the court allowed me to take my son with the understanding that I would enable my son's father's move to the same community. I have agreed to that stipulation and believe it worked for all of us. I have always supported my son knowing and having a relationship with his father. But I have resisted any arrangement that allowed my son to spend the night at this father's home. My son's father is an alcoholic and his moral conduct is questionable. His alcoholism was addressed in our parenting plan in California and Idaho, which stated he was to complete Chemical Dependency Treatment; although he never has. As well, his addiction to sex, pornography, and inappropriate behavior is addressed in all of our parenting plans, to the extent that it states, there will be no "exposure to naked adults" allowed.

Once we moved to Montana, and I found myself in court once again, a Guardian ad litem (GAL) was assigned to our case. I was pleased at first, as I believed the GAL was going to review the history of the case, and realize the concerns. However, even though the GAL knew the history of our case, she never called the professionals who had worked with our family in the past. Eventually our GAL supported recommendations for 50/50 custody, as this schedule worked best for school staff. Shouldn't my son's best interest be considered, not adults' schedules?

The GAL was on my case for 2 1/2 years and did not listen to my concerns or investigate any of them. Even when notified by a friend of the father there was pornographic viewing in the home – the GAL did nothing; nothing to protect my son. My attorney wrote a letter to the GAL stating she appeared one sided, and that I requested she be removed from my case.

The GAL on my case was also an attorney, so she wasn't going to make waves in front of a judge who she would present her own cases before. GALs should not be attorneys because that is a conflict of interests; they want to look good before the judge. There also needs to be a grievance process to review the sometimes dangerous decisions that GALs make.

In my case, I have been told I just have to wait until something happens. The last time I was in court the judge looked at me and said "you need to get a life." How do I do this when my son's safety and happiness are in constant threat?

Pam Kamera
406-532-5303

Mr. Chairman and Members of the Committee, my name is Maris Mills.

Five days before Christmas, I received notice that I had entered onto the highway of divorce. Not knowing what a Guardian Ad Litem (GAL) was or what it stood for, I trusted in a system that I thought would be fair to help determine the best interest of my children. I never expected that the person responsible for huge decisions impacting my life would end up ruining me emotionally and financially.

I left my primary residence so my boys could remain in their home, and relocated to an adjacent county. I was "rewarded" with supervised visitation, no overnights, and the inability to travel with my children outside of their primary county. The GAL developed the parenting plan without allowing me to evaluate it or have input. Her recommendations significantly limited the contact I had with the boys. I was told what I could and could not do without reason. I gave birth to these children, but was now forced to drive back and forth hours through a blizzard because I was only granted a few precious moments with them.

Between being denied contact with my children after arriving to visits a few minutes late and being told that the boys would visit my family out of state without me, I was stripped of all my fundamental rights as a parent. The cruelty already seemed unimaginable – then the GAL really demonstrated her power. She took away my entitled visitation time and let the boys travel out of state with their father because she decided it would be more beneficial for them.

The bills for GAL services were randomly delivered without statements detailing specific services. They reflected excessive costs when compared to what others were being charged. I have no idea if my ex-husband ever received bills or if the amount was fair. How can we believe money should not be a factor when there was no limit on what I was being charged?

The overall GAL experience destroyed my life. I knew I would be punished if I spoke up. This person in control seemed to judge me and hate me. The powerlessness I felt made me nauseous. I wanted a different GAL, but was afraid of who I would get. I lived in a black hole that I just kept trying to get out of.

Moving out of Montana without my children was an amazingly painful sacrifice. As a parent, you have oversight of your children from day they are born until they reach adulthood, unless a divorce occurs. When you lose the ability to make decisions about your child's life, it is unnatural. It is even more unnatural when you have done nothing wrong as a parent and someone that does not even know your child has control.

If you were to ask my boys, they would tell you that I am a good mom. No one knew what my GAL was doing. There was no one for her to report to. There was no one for me to turn to. My experience of hopelessness was terrifying.

Children are all we have as a legacy. It might be too late for me, but we need something changed for the families of Montana. What can you do to ensure that the GAL system be fair and equitable in the future?

Maris Mills
406-880-7368

Mr. Chairman and Members of the Judiciary Committee,

What does it take for a child to feel safe? What does it take as a parent to ensure that the vision you have for your children's future will be realized? Prior to my experience with a Guardian ad litem, I had a clear idea. However, my experience with this broken system has changed that. When the judge ordered a GAL, it was an unfamiliar term. I trusted the court system, a system that stood for justice, truth, and safety. I believed that they had my best interest and my children's safety at heart, and the GAL's explanation of her role seemed to confirm that.

But the appointment of a GAL began an eight-year nightmare. During that time, I paid vast sums of money for incomplete work; an updated parenting plan still doesn't exist. My life history was scrutinized, and stories about my personal life were fabricated in order to discredit me and justify the attempted removal of my kids.

I was accused of parent alienation syndrome (PAS) although my children's father chose to move out of state. I am a 100% disabled veteran requiring treatment with prescribed medications. I was called a drug abuser. The GAL rationalized these accusations by explaining, "If we are going to err, better to err on the side of caution." The hearsay rule does not apply to GALs, so I was forced to endlessly disprove faulty information.

What does the "best interest of the child" mean? Spending close to \$300,000? Living in turmoil for eight years? Witnessing my children lose their innocence? In the eyes of a child, a parent can fix everything; we are their "heroes". This system removed my cape and my power. My family and I have survived a system intended to provide safety for kids, while ultimately destroying both children and parents.

After a judge removed the GAL, my ex-husband relinquished his rights, but who I am as a parent today was changed by the Guardian ad litem system. My children no longer trust anyone in the system designed to help them. GAL reform is needed. No child or family should endure the emotional and financial stress of using an untrained and unsupervised GAL. The best interest of the child should be a loving home, which we had, and are slowly attempting to rebuild. To some people, my story is considered a "success" because I have custody of my kids and we no longer have a GAL in our lives. True "success" would be complete reform of the GAL system. Until that happens, I believe we have lost.

Jodi Netzer-Schoening
406-207-2355

My name is Jennifer Harrington. I am the proud mother of two bright and beautiful children. We have been at the mercy of the Fourth Judicial court for nearly 6 years now. The following is one example of how having a Guardian ad Litem has affected our lives.

In April of 2008 we were back in court. The Standing Master Ordered the Father to supervised visits and appointed a new Guardian ad Litem. The Standing Master Ordered the GAL to observe visits and exchanges at the supervised visitation center and report back to the court. No report was filed. In June 2008 the GAL asked that the Father resume regular visits without having visited the supervised visitation center and she had not met the child.

In July of 2008 the Standing Master Ordered the GAL to write a report regarding the visits as well as planning ahead for Kindergarten. The GAL failed to do any report and still had not met the child.

On December 16, 2008 the GAL requested that the visits change from one-hour supervised visits to two-night overnights with the Father without having submitted any reports, without having met with the counselor taking care of the case and not having met the child. The Standing Master Ordered the change in the Parenting schedule without giving me the legal and mandatory 10 days to respond. This affected my son adversely and immediately. The counselor tried to speak with the GAL and slow the sudden and dramatic changes being Ordered but she had no response from the GAL or the court.

In January I met with the head of the PACT program and she stated that the changes being implemented were far from gradual and she wrote out a more fitting plan for the child. The GAL did not respond to the plan.

In early February 2009 the Standing Master Ordered a status conference and demanded that the parents leave the room. The GAL was again Ordered to file a report and a new schedule by February 18th, 2009. The GAL did not file any report, nor had she met with the child or the counselor. The failure of the GAL to file a report and visitation schedule left it up to the parents to follow through. I had to accommodate the Father's schedule and I did so again and again. There was no assistance from the GAL or the PACT counselor.

In August 2009 the GAL recommended that the parenting schedule change again drastically and immediately without ever having met the child nor having completed any of the Ordered reports. The Standing Master followed the recommendations of a GAL who did not do the job she was charged with which continues to affect my son in adverse ways. The GAL was in charge of this case for two-and-a half years and she never once met the child. She met with me for one hour. She did, however, spend a considerable amount of time with the Father and his attorney.

There is no avenue that I can take to ask that the court or the GAL take some responsibility for the failures to uphold the best interest of a child other than asking you to implement a GAL review committee comprised of educated professionals and parents. Asking that GAL's, if used, be qualified through experience and training. And finally implementing a grievance procedure.

At this point I feel that there are financial incentives to drag out parental conflicts. Our GAL is an attorney and I believe that there is a conflict of interest regarding future appointments that cloud a GAL's ability to change course when new facts emerge. There is evidence that a GAL cannot be neutral when they defend their recommendations to preserve their reputation or credibility. There is a loss of objectivity and it is hurting the children and families of Montana.

I sincerely thank you for your time in considering this very important request to implement guidelines for those charged with considering the Best Interests of our children.

Mr. Chairman and Members of the Committee,

January 24, 2011

My family has had the unfortunate experience of dealing with the Montana GAL system. I walked blindly into this experience thinking the GAL would protect our youngest child from an abusive situation. The experience was surreal at best, and has had, and continues to have severe consequences to our family. To give you a clearer picture of the situation, I will do a quick review of the circumstances that started the whole thing.

Our daughter was returned to me with severe bruises on her lower back and spine. After talking to both her and her father, about how the bruises got there, I moved forward and brought her into the emergency room. The nurses called the sheriff, and he called family services. Things moved forward very rapidly, and I found myself in the conundrum of having to pick a GAL who (it was explained to me) is supposed to be there to look out for the best interests of the child. I had no more than an hour to make a decision that I will regret until I take my last breath.

In light that this needs to be kept short, I will stick to three key points. First, I have received only two bills from the GAL since he started services almost two years ago, and these bills I only got by request. Second, the GAL did not follow Montana Child Custody Guidelines, and made developmentally inappropriate decisions that were detrimental to our child's emotional and physical well being. Last, the GAL had no official training or qualifying education in the area of child abuse .

In summary I feel the MT GAL system is lacking. Like any specialist, GALs should have to receive annual specialized training in the areas of child development, and physical and emotional abuse, along with passing a regularly conducted background check. I don't feel it is an unreasonable expectation for the GAL to either have to follow MT Child Custody Guidelines and/or provide the family with the protocol they are following. As a special educator who works with children on a daily basis, I have met and continue to meet, specialized training requirements to be allowed to teach in a professional manner.

Thoughtfully,

Janelle E. Wells
Special Educator

Please feel free to contact me with any questions or concerns you may have at 406-544-4373.

Dear Mr. Chairman and Members of the Committee, my name is Jim.

Suicide should never have to be the result of child custody issues in Montana. Unfortunately, that is what became of my sister-in-law. It started simple enough, with a voluntarily agreed upon custody arrangement encouraging shared time between both parents. My niece was still young and did not know her father well because he was not involved in the first couple of years of her life. When she would hide from her father when he came to pick her up, my sister-in-law was compelled to respond. Thinking she was protecting her daughter, she stopped the shared visitation arrangement. A Guardian ad litem (GAL) became involved, taking any future decisions about my niece out of our family's hands.

Immediately, I sensed that this new path would silence us and remove our rights to act as a family. The first indication of what would be taken from us was when the GAL found ways to have my sister-in-law act more independently, stopping our family from providing assistance and support. Is it more valuable to enjoy a home-cooked meal with your family that they helped you prepare, or to take your child to a fast food restaurant because you can do it by yourself?

We felt that every suggestion we made to our first GAL went unheard. The GAL made it clear that she could do whatever she wanted without oversight or accountability. No one would question her, even if she provided only one-sided or false information. We all felt powerless. After over three years of enduring this conflict, we wrote a letter to the judge. Ultimately, the judge agreed to change the GAL, but attributed the transition to communication issues and conflict, not acknowledgment of the suffering we endured from the poor performance of someone in a powerful role.

The new GAL was just like our preceding one in a different suit. Powerlessness turned into hopelessness, and my sister-in-law unraveled. Her behaviors lead to tension within the family, and support for her began to diminish. She was now only allowed to visit her child in a supervised setting. Her internal drowning led to a suicide attempt. How do the decisions made by the GAL and overall strain of circumstances impact not only children, but also parents?

Only a few months later, my sister-in-law would take her own life. Her feelings of emptiness consumed her because there was no hope for her to cling to any longer. Trapped in a cycle that continued to diminish the natural relationship with her child and increase isolation, she created her own end to the story. My niece will never have the opportunity to have her mother applauding her at high school graduation. She will never see the tears of joy from her one the day of her wedding. She will never experience the moment that her mother holds her newborn baby, becoming a grandmother. My niece will never hear words from her mother that can encourage, "I am so proud of you", and comfort, "I have and will always love you."

I ask that GALs be accountable to someone. If they really are professionals, GALs should be representing both sides of the story. One individual should not make dramatic changes that impact of the lives of children, parents, and extended family members. My hope is for change in the system so that no other child will have to be raised with the weight of her mother's hopelessness and destruction.

Jim

406-396-0173

Mr. Chairman, and members of the committee,

My name is Doug Labare, and I am a Montana dad. In July, 2005 a GAL was assigned to my case by the court, at the request of my ex-wife. To this day I am uncertain why she was assigned to our case. I feel as if the GAL has discriminated against me from the beginning of this case.

I have been on work disability since 2001. When the GAL learned I was on medications to address my disability, she said she felt they must interfere with my ability to parent my children safely. She recommended in a report to the court that I NOT have my children to parent for this reason. Against doctor's advice, I stopped taking some medications so the GAL would not continue to use this against me.

There was clear bias as my ex-wife DOES have an addiction to pain medications, as evidenced by police reports. She has no diagnosed condition that would require medication. Yet, there was no mention in the GAL's report of the biological mother's "issues" with drug abuse or of her smoking cigarettes. Yet the biased GAL report mentioned my smoking cigarettes, and reasoned I should see my children less.

Soon after my separation from the biological mother, I attempted to initiate psychotherapy for my children, who were stuck in the middle. When the GAL learned I had set up an appointment, she called and cancelled it. A court hearing was held to discuss the matter, in which the judge ordered the children to be started in therapy with this same LCSW. Without my knowledge and with the GAL's help, my ex initiated psychotherapy with a different therapist, than the judge had ordered.

Prior to a permanent parenting plan, the GAL informed me we would be following an informal interim plan. I only saw my children every other weekend, and two weeks in the summer. More than once, the GAL would call me on the Friday before my weekend visit to sabotage the weekend. She would tell me that in her opinion I should not be allowed to see my children. I would argue that I was a good father, had every right to see my children, and they me. By the end of our conversation, the GAL would state, "You're not in a frame of mind to have your children this weekend," and would revoke that weekend's visit.

Similarly, last year, two months before the start of the children's summer vacation, I asked the GAL when my two weeks with the children would occur. She used her unchecked power by simply never responding. My only action was to request a court hearing, which got scheduled after summer vacation.

I feel strongly that GALs need to be held responsible and accountable for their actions. Had I been able to file a complaint about even one of these issues, the others might not have occurred. I do not believe our children are benefitting from this GAL's "guardianship" and instead, they are only being further harmed.

Please give serious consideration to GAL legislation-to help ensure that GALs are held to a higher standard that promotes thoughtfulness and accountability, and diminishes the unfair and arbitrary decisions made in many of our cases.

Sincerely,

Doug Labare
phone # 406-880-1231

Mr. Chairman and members of the committee;

My name is Diane Hedahl. I am a native Montanan. I have dealt with the GAL system from 3 different perspectives; as secretary at Thompson Falls Elementary, as a foster/adoptive parent and as an aunt.

In my 26 years as a school official I have worked with several GALs. I have observed children being left in limbo for as much as 5 years, while GALs 'pondered' their case. In one such case, when the father could no longer pay the GAL's fees, the mother gained custody through default. The GAL in this case contacted the school repeatedly for the same information, using this to justify extraction of more money. The GAL talked to me, the school secretary, more than he talked to the child.

As a foster/adoptive parent, my experience with a state appointed GAL was emotionally crippling. The GAL was very unprofessional. She arrived 1 ½ hours late for the ONLY planning conference she attended. These meetings are imperative in determining placement for these children. Although assigned to the case more than 6 months prior, the GAL came totally unprepared. She had garnered no knowledge concerning these children. The GAL is the ONLY voice the children have. After 2 years, she had still failed to make an introduction, visit, or even observe, these foster children. The evening before the Parental Termination Hearing occurred, we spoke for the first time, about 20 minutes by phone. The following day, she misled the court to believe that she had thoroughly investigated this case. Her testimony lacked conviction, due to gross negligence in her research. Thus, two of the boys were returned to the abusive father, causing a separation from their brother. The mother was in prison for child abuse.

I also have looked on helplessly in frustration and disgust while a GAL has placed my two nieces under the custody of a mentally ill mother. Once again, this GAL was unprofessional. She failed to maintain confidentiality. She ignored pertinent factual information that conflicted with her personal biases.

If we are truly concerned for the welfare of the children, we MUST fix the current defunct system.

Thank You!

Diane Hedahl

114 Woodlin Lane

Thompson Falls, MT 59873

406-827-4232

Mr. Chairman, members of the committee,

My name is Steven R. Morris, and I have requested to have my testimony read at this hearing today.

I am a father with three children, divorced in 2001. I requested the court appoint a GAL due to my ex wife repeatedly seeking custody and modification of our parenting plan over a six year period.

Once a GAL was ordered by the court, instead of upholding the existing parenting plan, she modified the plan, without ever explaining her decision, or filing a report to the court. She told me the modifications would be temporary, but later represented it to the court as the de facto parenting plan. These modifications were in direct conflict with recommendations made by the psychologist who had performed an extensive parenting evaluation just nine months prior to the GAL's appointment.

I feel the GAL downplayed very serious mental health issues with the children's mother, and showed bias in her representation, while having very limited contact with references I had provided. Mounds of court filings and documented evidence were ignored, or perhaps never reviewed. I watched the GAL continually put our children into the middle of the custody and parenting issues.

While I never wanted a divorce to begin with, I proceeded to spend ten years of my life fighting to defend my rights as a father, to be able to maintain a decent relationship with my children. This process has exhausted 100% of my retirement, and has led me to the point of filing for bankruptcy. After ten years of co-parenting our children, the GAL recommended the mother be allowed to move out of state with the children. I lost my home in the bankruptcy proceedings. I lost my second marriage due to the stress created by the custody process.

My financial ruin, and the loss of my children could have been avoided. A GAL with more training and education, and more guidelines to follow, could have made this difference. An oversight board could have prevented the ruin of my family.

Respectfully,

Steven R. Morris
406-546-5608

Mr. Chairman and members of the committee,

January 24, 2011

My name is Beth Lowitt. I am from Hamilton , Montana. In my absence I am forwarding this letter in support of H.B 281.

I have been involved in a custody case in Ravalli County since 2007, when my child's father entered her life. At that point, our daughter was just turning two, and had never met her father, although he lives less than 20 miles away.

I felt relieved when a Guardian ad litem was appointed to our case in 2009. I thought finally the truth and the facts would be heard and considered. I soon realized this GAL did not have our daughter's well being at heart. The references I provided reported to me the GAL was rude and unprofessional when she contacted them. One told me they felt the GAL "had it out for me," and they felt she had already made up her mind against me. Our daughter's preschool teacher was so offended by the way the GAL "barged into the classroom, waving a court order," to meet with our daughter, she threatened to file a complaint. I begged her not to do this, thinking it would only hurt our case. Our daughter had now been in therapy for over a year, diagnosed with adjustment disorder .

The GAL filed a thirty page report this past August. It is hard to convey the shock, disappointment, and fear I felt reading this report. It was riddled with untruths, misquotes, bias, and anti-Semitism. The most disturbing part of the report was that the concerns and recommendations made by our daughter's therapist , for her well being, were completely ignored. I felt I couldn't dispute the report , for fear of reprisal, and the possibility of more time being awarded to the father.

I am asking that you please give your utmost attention to H.B. 281. The children of Montana need the GAL system to be reformed.

Thank you for your attention.

Sincerely,

Beth Lowitt
939 Shoshone Loop
Hamilton, MT 59840

Thank you Mr. Chairman and Members of the Committee for this opportunity to write in favor of HB 281.

I have worked as a mental health professional for 21 years and have seen many instances of damage caused by poorly trained and unsupervised Guardians ad Litem. Guardians ad Litem operate at the discretion of the District Court Judge. Their conduct is generally governed by MCA 41-3-112 and 40-2-405. These statutes are vague with respect to the training requirements of Guardians ad Litem and open the door for significant subjective interpretation. In my professional career I have worked with many Guardians ad Litem, some very professional and ethical, many very unprofessional and neglectful of their duty to see to the best interests of the children in their charge.


Guardians ad Litem are free to charge what ever they wish, and the parents in their cases are subject to excessive fees without any documentation for services provided. I can think of no other profession where one is expected to pay fees without a clear statement of how they were incurred. This is unconscionable and an objective fee structure needs to be implemented. I am familiar with one case where the Judge asked the Guardian ad Litem if she wished to stay on after the case was settled and that money could be found to pay her fees, presumably by the parents. The role of the Guardian ad Litem needs to be clearly defined and the term of their involvement limited to settlement of parenting and custody issues.

I have listened to clients stories of abuses of the system perpetrated upon them by Guardians ad Litem. Some of these include Guardians ignoring evaluations and opinions presented at the Court's request by professional, Licensed Psychologists and Sex Offender Therapists/Evaluators. Children have been, at the Guardian's behest, placed in homes where known Sex Offenders were present in spite of professional recommendations to the contrary. Montana has strict regulations regarding training and conduct by cosmeticians, massage therapists, even people who paint fingernails, yet Guardians ad Litem, who have tremendous input on our most precious and vulnerable citizens have no oversight and answer to no one.

While there are always costs associated with new legislation, there can be no limit placed upon the value of protecting Montana's children. Continuing to allow Guardians ad Litem to operate with impunity and at their subjective discretion is ultimately costly to the citizens of Montana in terms of additional expenses for therapeutic interventions to help children cope with the trauma incurred by profit motivated, poorly trained, unethical Guardians ad Litem.

Thank you again.

Sincerely,



Thomas Hodgetts, MSW
20900 Whispering Pines Rd.
Missoula, MT 59808